

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 3:08-cv-257-TMH
)	
JOHN SCROGGINS,)	(WO - Do Not Publish)
)	
DEFENDANT.)	

ORDER

This action is presently before the Court on Plaintiff's Motion for Default and Default Judgment with Up-Date on Judgment (Doc. # 9) which was filed on April 25, 2008. As of the date that the motion was filed, Defendant had not been properly served with summons and complaint. The Court has stayed further proceedings in this action, including service of process, pending further review under 28 U.S.C. § 1915. Thus, the prerequisites to entry of either default or default judgment have not been satisfied in this case. Accordingly, it is hereby ORDERED as follows:

1. The stay of this action is LIFTED for the purposes of entry of this Order only.
2. The Plaintiff's Motion for Default and Default Judgment with Up-Date on Judgment (Doc. # 9) is DENIED.

DONE this the 6th day of May, 2008.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE